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5 Attorneys for Defendant  
6 ALDERWOODS GROUP, INC.

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 MARIA MAGSARILI and TONY  
12 MAGSARILI, on behalf of themselves  
and those similarly situated,

13 Plaintiff,

14 vs.

15 SERVICE CORPORATION  
16 INTERNATIONAL, ALDERWOODS  
17 GROUP, INC., STEWART  
18 ENTERPRISES, INC., HILLENBRAND  
INDUSTRIES, INC. and BATESVILLE  
CASKET COMPANY

19 Defendants.

) Case No. C 05 2792 MEJ

) **STIPULATION AND ~~PROPOSED~~**  
) **ORDER TO EXTEND TIME TO**  
) **RESPOND TO PLAINTIFFS'**  
) **COMPLAINT**

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21  
22 **STIPULATION**

23 **WHEREAS**, on July 8, 2005, plaintiffs filed a Complaint in the above-captioned  
24 Court;

25 **WHEREAS**, on or about July 11, 2005, plaintiffs served the Complaint upon  
26 Alderwoods Group, Inc. ("AGI") and a response to the Complaint would have been due  
27 on or before August 1, 2005;

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1       **WHEREAS**, on or about July 19, 2005, plaintiffs served the Complaint upon  
 2 Service Corporation International ("SCI") and a response to the Complaint would have  
 3 been due on or before August 8, 2005;

4       **WHEREAS**, on or about July 18, 2005, plaintiffs served the Complaint upon  
 5 Stewart Enterprises, Inc. ("Stewart") and a response to the Complaint would have been  
 6 due on or before August 8, 2005;

7       **WHEREAS**, on or about July 13, 2005, plaintiffs served the Complaint upon  
 8 Hillenbrand Industries, Inc. ("Hillenbrand") and a response to the Complaint would have  
 9 been due on or before August 2, 2005;

10       **WHEREAS**, on or about July 11, 2005, plaintiffs served the Complaint upon  
 11 Batesville Casket Company, Inc. ("Batesville") and a response to the Complaint would  
 12 have been due on or before August 1, 2005;

13       **WHEREAS**, the Complaint in the above referenced matter is a purported class  
 14 action that is substantially similar and involves the same defendants as the purported class  
 15 action entitled Funeral Consumer Alliance, Inc., et.al. v. Service Corporation  
 16 International, et. al. Case No. C 05 01804 JL ("FCA case") previously filed in the above  
 17 entitled court;

18       **WHEREAS**, all defendants in the FCA case have moved to dismiss the FCA case  
 19 pursuant to Federal Rule of Civil Procedure 12(b)(6);

20       **WHEREAS**, the defendants in the above referenced matter contemplate filing  
 21 Motions to Dismiss that are very similar, if not nearly identical, to the ones filed in the  
 22 FCA case;

23       **WHEREAS**, the parties agree that it would serve the interests of judicial economy  
 24 to await the outcome of the Motions to Dismiss in the FCA case prior to responding to the  
 25 complaint in the above captioned matter;

26       **WHEREAS**, the hearings on the Motions to Dismiss in the FCA case are set for  
 27 September 8, 2005;


28       ///

1       **WHEREAS**, on July 28, 2005, plaintiffs agreed to grant AGI, SCI, Stewart,  
2 Hillenbrand and Batesville an extension of time to answer or otherwise respond to  
3 plaintiffs' Complaint so that defendants must now answer or otherwise respond to the  
4 Complaint on or before September 22, 2005.

5       **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED** that  
6 AGI, SCI, Stewart, Hillenbrand and Batesville may have up to and including  
7 September 22, 2005 to answer or otherwise respond to plaintiffs' Complaint.

8  
9 DATED: July 29, 2005

IVERSON, YOAKUM, PAPIANO & HATCH

10  
11 BY:   
12 JOHN M. GARRICK  
13 MELISSA A. IMMEL  
Attorneys for Defendant  
ALDERWOODS GROUP, INC.


14 Dated: July \_\_\_\_, 2005

HOWREY LLP

15  
16  
17 By: \_\_\_\_\_  
18 ROBERT E. GOODING, JR.  
Attorneys for Defendant  
19 STEWART ENTERPRISES, INC.

20 Dated: July 29, 2005

BRACEWELL & GIULIANI LLP

21  
22 By:   
23 J. CLIFFORD GUNTER, III  
24 ANDREW M. EDISON  
Attorneys for Defendant Service  
25 CORPORATION  
26 INTERNATIONAL  
27  
28

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IVERSON, YOAKUM, PAPIANO & HATCH

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12 JOHN M. GARRICK  
13 MELISSA A. IMMEL  
Attorneys for Defendant  
ALDERWOODS GROUP, INC.

14 Dated: July 29, 2005

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18 ROBERT E. GOODING, JR.  
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19 STEWART ENTERPRISES, INC.

20 Dated: July \_\_, 2005

21 BRACEWELL & GIULIANI LLP

22 By:

23 J. CLIFFORD GUNTER, III  
24 Attorneys for Defendant Service  
CORPORATION  
25 INTERNATIONAL  
26  
27  
28

IVERSON, YOAKUM,  
PAPIANO & HATCH

1 Dated: July 29, 2005

BOIES, SCHILLER & FLEXNER LLP

2  
3 By: John Cove / S.T.  
JOHN F. COVE, JR.  
Attorneys for Defendant  
HILLENBRAND INDUSTRIES, INC.

4  
5  
6 Dated: July 29, 2005

BOIES, SCHILLER & FLEXNER LLP

7  
8 By: John Cove / S.T.  
JOHN F. COVE, JR.  
Attorneys for Defendant  
BATESVILLE CASKET  
COMPANY, INC.

9  
10  
11 Dated: July 29, 2005

HAGENS BERMEN SOBOL SHAPIRO, LLP

12  
13 By: George W. Sampson  
GEORGE W. SAMPSON  
Attorneys for Plaintiffs

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17 ~~PROPOSED ORDER~~

18 Good cause appearing therefore and upon the stipulation of the Parties,  
19 IT IS THEREFORE ORDERED that Defendants AGI, SCI, Stewart, Hillenbrand  
20 and Batesville have up to and including September 22, 2005 to answer or otherwise  
21 respond to plaintiffs' complaint:  
22

23 DATED: August 1, \_\_\_\_\_, 2005



~~UNITED STATES DISTRICT JUDGE~~  
United States Magistrate Judge